

# CITY PLANNING COMMISSION

SEPTEMBER 12, 2022

## MINUTES

The City Planning Commission met in regular session on Monday, September 12, 2022, at 7:20 p.m., (1:10) (via Zoom Webinar and the Commission Chamber of the Municipal Office Building), with the following members present: Mr. Jeff Carson, Chairman Presiding (Zoom), Ms. Brandie Armstrong (Zoom), Mr. Duane Beth (Commission Chamber), Mr. James Connelly (Zoom), Mr. Jim Ernst (Zoom), Mr. Jake Miller (Zoom), Mr. Mark Mohler (Zoom). Mr. Joseph Straws (Zoom) and Mr. Aaron Ward (Commission Chamber) (Absent: Jones and Pauley). Mr. Gunnar H. Hand, AICP, Director of Planning + Urban Design (Commission Chamber), Ms. Janet L. Parker, CSC/APC, Executive Assistant to the Director of Planning and Urban Design (Zoom), Mr. Byron Toy, AICP, Lead Planner (Zoom), Mr. James Molloy, Planner (Zoom), Mr. Patrick Waters, Senior Counsel (Zoom), were also present.

Chairman Carson called the meeting to order at 7:20 p.m.

Recording Secretary Parker read the Planning Commission Statement: "We would like to welcome those participating to the meeting of the City Planning Commission. The members are participating remotely by Zoom Webinar or in-person in the Commission Chamber. Mr. Jeff Carson is serving as chairman this evening.

Please note the following instructions for the meeting:

1. If you are joining by Zoom Video, please make sure you have an appropriate background and plan to stay visible during the meeting.
2. Planning Commission Members - Use the raise your hand feature to speak, after Chairman Carson recognizes you, unmute your microphone and please state your name when you begin to speak.
3. For those in attendance via Zoom or telephone, use the "raise your hand" feature when you want to speak on an issue. The Chairman will recognize you when it is your time to speak, unmute your microphone and state your name and address before giving your comments. If you are attending in person, please come to the microphone at the front of the room when the application is called, and Planner Toy will inform the Chairman of how many persons wish to speak and how many people want to raise their hand either in favor or opposition.
4. Proper meeting decorum is expected of all participating in the meeting and anyone who fails to act properly may be removed from the meeting. The City reserves the right to discontinue a meeting if any improper behavior occurs which prevents the uninterrupted conduct of business.

The Planning Commission is a voluntary body of citizens, which will review each zoning proposal. For all change of zones, special use permits, vacations, and preliminary plan reviews on tonight's agenda, the Planning Commission makes recommendations to the Unified Government Board of Commissioners, who will then make the final decisions on **Thursday, September 29, 2022**. For final plats and final plan reviews heard tonight, the Planning Commission's decision is final and there will not be another hearing. The format for this evening's meeting is as follows:

1. The applicant will make the opening statement explaining the proposal. Please note that the applicant will be given fifteen (15) minutes to present their case. The fifteen (15) minutes includes the applicant, consultants, and other members of the applicant's team.
2. Members of the Planning Commission will then address any questions they may have to the applicant. Any persons wishing to speak in favor will be called upon and allowed to do so at that time.
3. Then those persons in opposition will be called upon and allowed to make their statements and ask questions. Please note that each member of the public who wishes to speak will be given five (5) minutes to express their opinions. Time may not be shared between speakers.
4. A speaker may request to extend their time and the Planning Commission may by two-thirds (2/3) majority vote extend any speaker's time in five (5) minute increments.
5. The Chairman will ask for a show of hands of those person in support and in opposition that do not wish to speak.
6. The applicant will then answer questions and make a closing statement.
7. The public hearing portion of the meeting will be closed, and the public will only be allowed to address the Commission if a question is directed to them.
8. The Planning Commission will discuss the application and make their recommendation.

If persons in opposition want to formally protest a change of zone or special use permit, a means is available by a legal protest petition which can be obtained along with the necessary instructions, by emailing the Planning and Urban Design Department at [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org) tomorrow morning. Any application receiving a unanimous vote of recommendation by the Planning Commission will appear on the consent agenda of the Unified Government Board of Commissioners. Unless there is a request to remove an item from the consent agenda by the applicant, a member of the Unified Government Commission, or other interested parties, the Planning Commission's recommendation will be adopted. The consent agenda is heard at the beginning of the meeting at 7:00 p.m.

The Planning Commission will also have a consent agenda as part of their meeting this evening. The Consent Agenda is the first part of the agenda. Items on the Consent Agenda are Final Plats, Final Plans or Special Use Permit Renewals that have received a staff recommendation to approve. Unless there is a request to **REMOVE** an item from the Consent Agenda by the applicant, a member of the staff, a member of the Planning Commission or other interested parties, the staff recommendation on all the items on the Consent Agenda will be adopted by the Planning Commission at one time.

I will read a list of agenda items on the Consent Agenda, and when I have completed the list, the Chairman will ask if there are any requests to remove items. This is your time to use the raise your hand feature, be recognized, and request that an item be removed from the Consent Agenda if you do not agree with the staff's recommendation.

The Planning Commission is required to disclose contacts about any item on the Planning Commission Agenda. Before each item I will ask if any contacts have been made and members of the Commission will be asked to disclose those contacts.

Please note that your opinions will be forwarded to the Governing Body for their

consideration in making a final decision. In addition, those who received notices for this hearing will again receive them for the hearing on **Thursday, September 29, 2022, at 7:00 p.m.**

I will now read the items on the **Consent Agenda at 1:17:35:**

## **CONSIDERATION OF THE AUGUST 8, 2022 PLANNING COMMISSION MINUTES.**

### **SPECIAL USE PERMIT SP2022-083 – JAMIE REDIC WITH FEEL ROYAL LLC –**

**SYNOPSIS:** **SYNOPSIS:** Renewal of a Home Occupation Special Use Permit (SP2020-78 – expires 11/5/2022) to operate a single-chair beauty salon at 2947 North 83<sup>rd</sup> Street.

Detailed Outline of Requested Action: The applicant is requesting the approval of a Home Occupation Special Use Permit for the purpose of operating a single customer salon at their residence. The applicant has stated that the home is in good condition and that one (1) room in the basement has been converted for use as a salon.

**PLAT2022-029 – WIL ANDERSON WITH BHC RHODES – SYNOPSIS:** Final Plat (Rock Island Bridge over Kaw) for one (1) commercial lot at 0 Kansas Avenue.

Detailed Outline of Requested Action: The applicant, Wil Anderson with BHC, is requesting to final plat one (1) condominium, commercial lot to create a parcel for the Rock Island Bridge at 0 Kansas Avenue (proposed address).

**PLAT2022-030 – NORMAN AND JENNIFER VOGEL – SYNOPSIS:** (Adney Acres Lot 2) Replat of one (1) single-family lot at 12428 Clubhouse Drive.

Outline of Requested Action: The applicants, Norman and Jennifer Vogel, are requesting a Final Plat (Adney Acres Lot 2), to divide an existing lot into two (2) residential lots at 12428 Clubhouse Drive. This plat is in conjunction with PLAT2022-031 (Swan Lake Lot 77). The request is an extension of the adjacent lot to the west, which will require the lot at 12438 Clubhouse to divide their lot into two (2) parcels.

**PLAT2022-031 – LENNY ZIMMERMAN – SYNOPSIS:** Final Plat (replat of Swan Lake Lot 77) Replat of one (1) single-family lot at 4431 North 124<sup>th</sup> Terrace.

Outline of Requested Action: The applicant, Lenny Zimmerman, are requesting a Final Plat (Replat of 2<sup>nd</sup> Addition to Swan Lake Lot 77), to extend the existing residential lots by combining two (2) residential lots at 4431 North 124<sup>th</sup> Terrace. This plat is in conjunction with PLAT2022-030 (Replat of Adney Acres Lot 2). The request of PLAT2022-030 is to divide the existing parcels into two (2) separate parcels and then with PLAT2022-031, extend the subject property by combining with the remainder from PLAT2022-030.

**PLAN REVIEW PR2022-030 – WILIAM FRANCIS WITH OZLAND, INC. – SYNOPSIS:** Final Plan Review for Twin Traffic at 626 North 47<sup>th</sup> Terrace.

Detailed Outline of Requested Action: The applicant, William Francis with Ozland, Inc., is requesting a Final Plan Review for the subject property at 626 North 47<sup>th</sup> Street. The subject property has undergone an administrative subdivision into two (2) separate parcels, identified as Lot 1 (Tract I) and Lot 2 (Tract II). Lot 1 is approximately 5.73 acres and Lot 2 is approximately 13.88 acres. Lot 1 is zoned MP-1 and will remain zoned MP-1. Lot 2 is

split-zoned among the R-1 Single Family, CP-1 Planned Limited Business, and MP-1 Planned Light Industrial and Industrial Park Districts, and is conditionally approved via COZ2021-013 to be rezoned to MP-2 Planned General Industrial District. The Final Plan Review supplements the preliminary development plan that was submitted and approved as part of COZ2021-013. The Final Plan Review features fewer building expansions than proposed by and approved on COZ2021-013. The subject property is also conditionally approved for a Master Plan Amendment (City-Wide Master Plan) from the Mixed-Use Land Use District to the Industrial Land Use District via MPL2021-010. This Master Plan Amendment applies to both Lots 1 and 2. The Final Plan Review is another entitlement, along with the Change of Zone and Master Plan Amendment, that has been requested in order to comply with both the allowed land use and district for storage in conjunction with the existing company on site, Twin Traffic, a traffic marking and striping company.

Mr. Chairman, I have a correction to the conditions of approval. Conditions 7 and 8 should be deleted as they are not relevant to this plan review.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items? (No one responded in the affirmative).

Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publication in The Echo for the Special Use Permit; and,
7. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone requests that an item be removed from the Consent Agenda."

Chairman Carson asked if any member of the Commission, staff or public wished to remove an item from the Consent Agenda. (No one responded in the affirmative.)

On motion by Mr. Miller, seconded by Mr. Connelly, the Planning Commission voted as follows to **APPROVE** the items on the Consent Agenda:

<b>Carson</b>	<b>Chairman</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Pauley</b>	<b>Not Present</b>
<b>Straws</b>	<b>Aye</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Aye</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Not Present</b>

**Motion to APPROVE Passed: 8 to 0**

**Subject to:**

**SP2020-083:**

- 1. Hours of operation shall remain from 8:00am to 5:00pm daily;**
- 2. All parking is to be parked in the six (6) spaces on the driveway, no on-street parking is allowed;**
- 3. Materials stored on site must be done safely, such as in approved, original containers, away from food, and out of reach of both children and pets;**
- 4. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- 5. Any business or land use in Kansas City, Kansas that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance.**
- 6. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.**
- 7. The Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only.**
- 8. If approved, the applicant or any occupying businesses must file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office. Any contractor associated with the project shall file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office and with the building inspection office.**
- 9. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.**
- 10. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463**

through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.

11. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.
12. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

**PLAT2022-029:**

1. The proposed parcel is over the Kansas River and thereby is within the regulatory floodplain. The Unified Government and State of Kansas must sign the mylars prior to recording the plat;
2. The applicant is responsible to assure this plat complies with the Kansas Apartment Ownership Act (Condominium Statute) when filed with the Register of Deeds;
3. When the mylars are submitted to Staff to be recorded, submit the following fees:
  - a. \$32.00 per page payable to the Register of Deeds; and,
  - b. \$7.00 per lot payable to the Unified Treasurer;
4. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten (10) feet wide. The required ten-foot width may be provided through five (5) foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;
5. Utility easements shall connect with easements established in adjoining properties; and,

6. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided.

**PLAT2022-030:**

1. When the mylars are submitted to Staff to be recorded, submit the following fees:
  - a. \$32.00 per page payable to the register of deeds; and,
2. \$7.00 per lot payable to the Unified Treasurer  
All future development shall meet UG Zoning Code requirements. No future development may violate the setback requirements or other design requirements;
3. Any future development shall work with the Wyandotte County Conservation District and develop a Conservation Plan to address concerns noted by the Conservation District;
4. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspector@wycokck.org](mailto:buildinginspector@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
5. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
6. All existing and future driveways must feature curb cuts that are constructed to UG standards;
7. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
8. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,
9. The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering,

**Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable.**

**PLAT2022-031:**

- 1. This City Planning Commission case is being heard in conjunction with PLAT2022-030, also heard by the City Planning Commission, on September 12, 2022;**
- 2. When the mylars are submitted to Staff to be recorded, submit the following fees:
  - a. \$32.00 per page payable to the register of deeds; and,**
  - b. \$7.00 per lot payable to the Unified Treasurer****
- 3. All future development shall meet UG Zoning Code requirements. No future development may violate the setback requirements or other design requirements;**
- 4. Any future development shall work with the Wyandotte County Conservation District and develop a Conservation Plan to address concerns noted by the Conservation District;**
- 5. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspecton@wycokck.org](mailto:buildinginspecton@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
- 6. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**
- 7. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- 8. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
- 9. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,**



10. The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable.

**PR2022-030:**

1. All current fencing and screening may be maintained. Any replacement, renovations, felling, clearing, or grubbing of the existing architectural and landscape screening within the subject property will require the property owner or their designees install the affected portions of architectural screening with a privacy wood picket or metal panel fence with masonry columns every thirty-two (32) feet running and any portions of affected landscape screening with trees in compliance with Sections 27-700(3) and 27-702;
2. Twin Traffic must cease use of the neighboring property (Parcel #916302) and construct an architectural screening fence at or before the subject property's southern boundary line in order to prevent future encroachment or trespass. An architectural screen is a privacy wood picket or metal panel fence with masonry columns every thirty-two (32) feet running;
3. If any parcel of land or a portion of a parcel that is adjacent to the northern boundary line of the subject property changes uses or zoning districts that would require fencing, screening, and/or landscape buffering under any section of the Zoning Code, the applicant, property owner, or their designees, or future property owners must meet all the applicable requirements;
4. All outdoor storage on the subject property must be screened from adjacent residential parcels through six (6)-foot architectural screening with an arboreal/landscaping buffer area. An architectural screen is a privacy wood picket or metal panel fence with masonry columns every thirty-two (32) feet running;
5. The tree line along the northern, southern, and western boundary lines must be maintained in order to preserve the natural aesthetic, landscaping ratios, and screening requirements for the MP-1 and MP-2 Districts;
6. The applicant has filed and maintained a current business occupation tax application;

Recording Secretary Parker stated that the Special Use Permit recommended for approval will be heard by the Board of Commissioners on September 29, 2022 at 7:00 p.m.

Recording Secretary Parker stated that the Consent Agenda is now complete, and the Commission will consider the Non-Consent Agenda.

**Hearing starts at 1:22:45:**

**CHANGE OF ZONE APPLICATION COZ2022-015 – JOHN EMANUELS - SYNOPSIS:**

Change of Zone from A-G Agriculture and C-1 Limited Business Districts to A-G Agriculture, R-1 Single Family and C-1 Limited Business Districts for urban residential uses and church at 4411 North 67<sup>th</sup> Street.

Detailed Outline of Requested Action: The applicant, John Emanuels, has submitted a Change of Zone from C-1 Limited Business and A-G Agriculture Districts to C-1 Limited

Business, A-G Agriculture and R-1 Single-Family Districts for the purposes of creating seven (7) residential (single-family) lots and one (1) commercial lot at 4411 North 67<sup>th</sup> Street.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Recording Secretary Parker stated that this application was held over for 60 days at the July 11, 2022, meeting for the applicant to acquire and submit a traffic study. She further stated that the following emails were received after the meeting packet was finalized and sent out:

Support:

Amanda Jordan  
Sarah Emanuels  
Jenn Miller  
Doug and Audrey Hoffman  
Sky Kurlbaun  
Steve Shonamon  
Candace Davis

Opposition:

Donna Hoyt  
Russell Blair  
Ashley Kemp  
Kris Villarreal  
Stan Bartley  
Tyler Siegfroid

NOTE: There were 18 persons present in support and 12 persons present in opposition, including the following that spoke:

**Present in Support:**

- Andrew Spitsnogle, attorney, 9101 West 110<sup>th</sup> Street, Overland Park, Kansas
- John Emanuels, applicant, 180 Terrace Trail South, Lake Quivira, Kansas 66217
- Mike Makris, BHC Rhodes
- Mark Sherfy, BHC Rhodes, 7101 College Boulevard, Suite 400, Overland Park, Kansas
- Amanda Jordan, 18575 182<sup>nd</sup> Street, Tonganoxie, Kansas and she read a letter in support from Doug and Audrey Hoffman

- Brad Jordan, 18575 182<sup>nd</sup> Street, Tonganoxie, Kansas and he read a letter in support from Randy Winn
- Marla Gould, 176 Terrace Trail South, Lake Quivira, Kansas 66217 and she read a letter in support from Steve Shonamon
- Alex Tweedy, 3620 Wyoming, Kansas City, Missouri
- Arthur Jackson, 8128 Waverly, Kansas City, Kansas
- Rhonda Brown, 11824 Avila Drive, Kansas City, Missouri
- Solomon, 15380 South Alden, Olathe, Kansas 66062

**Present in Opposition:**

- Jessie Villarreal, 4045 North 67<sup>th</sup> Street, Kansas City, Kansas 66104
- Donna Hoyt, Coordinator of Cernech Neighborhood Association, and resident at 6422 Cernech, Kansas City, Kansas 66104
- Anthony Tucker, 4244 North 67<sup>th</sup> Street, Kansas City, Kansas 66104
- Tina, 4108 North 67<sup>th</sup> Street, Kansas City, Kansas 66104
- Stan Bartley, 6422 Cernech Road, Kansas City, Kansas 66104

**Staff Recommendation starts at 2:27:40:** Planning Director Hand stated that this application was continued from the July meeting and was being heard in conjunction with BOZA2022-021, which was approved earlier this year. He stated that if this application is approved, a final development plan and final plat would be required. This property is in the City-Wide Master Plan in the Mid-Town area and in the Cernech Neighborhood. There has been support and opposition for this proposal and the Notices of Violation have all been resolved. Director Hand stated that the traffic study was reviewed by the County Engineer and the Unified Government's third-party engineering firm and no improvements are required based on the increased traffic from the proposed development. The archeological site has been discussed and is not noted on the map at the request of the Staff Historic Preservation Office. Staff recommends approval, subject to the conditions in the Staff report.

Planning Commissioner Miller directed questions to the Staff concerning review of the traffic study by the County Engineer. Director Hand stated yes, the study has been reviewed by the County Engineer and the recommendation stands.

Planning Commission directed questions to Staff concerning the traffic study and the proposed church.

Director Hand stated that the applicant posted the zoning sign for the first hearing and over time it deteriorated. The applicant has replaced the sign twice, the last time at the request of the neighbors. Staff believes the applicant has met the intent of the ordinance.

Commissioner Straws asked if the Applicant could open the church under the existing zoning if this application is denied. Director Hand stated yes.

Chairman Carson asked if the houses could be built? Director Hand stated yes, the property could be split under the current zoning and they could build more houses, than currently exist but that would still require a final plat.

**Motion starts at 2:35:40:**

On motion by Mr. Miller, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **DENIAL of COZ2022-015 due to the width of the street, lack of infrastructure, and the proposal does not fit the character of the neighborhood:**

<b>Carson</b>	<b>Chairman</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Pauley</b>	<b>Not Present</b>
<b>Straws</b>	<b>No</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Aye</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>No</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Not Present</b>

Motion to recommend **DENIAL** Passed: 6 to 2

**Hearing starts at 2:42:30:**

**CHANGE OF ZONE APPLICATION COZ2022-025 – GLEN BENNETT - SYNOPSIS:**

Change of Zone from R-1 Single Family District to A-G Agriculture District to utilize the property for agricultural uses at 2615 Espenlaub Lane.

**PLAT2022-022 – GLEN BENNETT – SYNOPSIS:** Preliminary and Final Plat (Bennett Estates) at 2615 Espenlaub Lane.

*Detailed Outline of Requested Action:* The applicant, Glenn Bennett, is requesting a Preliminary and Final Plat, as well as a Change of Zone for one (1) lot created from said plat. The Preliminary and Final Plat will create two (2) lots from the existing subject property; one (1) lot will continue to be in the R-1 Single Family District, and one (1) lot will be rezoned to the A-G Agriculture District. The applicant is simultaneously requesting variances from several lot dimension and frontage violations, under BOZA2022-038.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The testimony at the Board of Zoning Appeals meeting earlier this evening.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

**Present in Support:**

- Glen Bennett, applicant, 5501 Barkley, Mission, KS 66202

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 2:45:00:** Planning Director Hand stated that this Change of Zone is being heard in conjunction with a Final Plat and BOZA2022-038, which was heard and approved earlier this evening by the Board of Zoning Appeals. The property is located in the City-Wide Master Plan and is in the Shawnee Heights Neighborhood. Staff has received no letters in support nor in opposition. There are some Notices of Violation that the Applicant is resolving. Staff is asking the Applicant to obtain a conservation plan from the Conservation District. Staff is also requesting additional landscaping and screening and recommends approval, subject to the conditions in the staff report.

**Motion starts at 2:46:32::**

On motion by Mr. Miller, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-025:**

<b>Carson</b>	<b>Chairman</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Pauley</b>	<b>Not Present</b>
<b>Straws</b>	<b>Aye</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Aye</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Not Present</b>

Motion to recommend **APPROVAL** Passed: 8 to 0

**Subject to:**

1. **Stop Work Order BSR21-0074 shall remain in place until the applicant files for all appropriate building permit(s);**
2. **The applicant must contact the Wyandotte County Conservation District and receive a conservation plan for the parcel to be rezoned to the A-G District;**
3. **The tree line along the south and east boundary lines of the subject property should be maintained. Further trees should be planted along the west property line to provide landscape screening for the adjacent neighbors along Espenlaub Lane as well;**
4. **Any rental use of the existing primary residence for 30 days or fewer requires a separate Special Use Permit for a short-term rental;**
5. **Any other parking, loading, or maneuvering areas related to the accessory building must be paved with a minimum of two inches of asphalt over six inches of compacted gravel or an acceptable alternative as determined by the county engineer;**

6. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
7. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
8. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
9. This City Planning Commission case is being heard in conjunction with BOZA2022-038;
10. All existing and future driveways must feature curb cuts that are constructed to UG standards;
11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
12. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
13. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;
14. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly; and,

**15. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.**

On motion by Mr. Miller, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE PLAT2022-022:**

<b>Carson</b>	<b>Chairman</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Pauley</b>	<b>Not Present</b>
<b>Straws</b>	<b>Aye</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Aye</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Not Present</b>

Motion to **APPROVE** Passed: 8 to 0

**Subject to the above conditions.**

**Hearing starts at 2:48:20:**

**CHANGE OF ZONE APPLICATION COZ2022-026 – JONATHAN LAUDNER -**

**SYNOPSIS:** Change of Zone from R-1 Single Family District to A-G Agriculture District to maintain small livestock and other agricultural uses at 6840 Cernech Road.

*Detailed Outline of Requested Action:* The applicant, Jonathon Laudner, is requesting a Change of Zone from R-1 Single Family District to AG Agricultural District for the subject property at 6840 Cernech Road. The Change of Zone has been requested so that the applicant can construct additional structures for the maintenance of the property, which includes a creek, pond, and timber stand improvements. The applicant also wishes to have a future homestead of chickens and goats, which require additional structures for their care. The applicant recently purchased the property, and the land was showing signs of decline as the former owner was no longer able to physically maintain the property. The Change of Zone has been requested so that the applicant can maintain multiple accessory structures related to the keeping of the property and agricultural uses on the parcel without the need for variances.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;

- 6. The Notice in the Wyandotte Echo; and,
- 7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

**Present in Support:**

- Jonathan Laudner, applicant, 6840 Cernech Road, Kansas City, Kansas 66104
- Donna Henderson-Hoyt, Coordinator of Cernech Neighborhood Association

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 2:51:30:** Planning Director Hand stated that the request is to change the zoning to agricultural to add some accessory structures. The property is in the City-Wide Master Plan and close to the Cernech neighborhood. Before this evening, Staff had received no letters in support nor in opposition. There were multiple police calls for service to this property prior to the Applicant purchasing the property. The Applicant has cleaned up the property. Staff is requesting a Conservation Plan prior to livestock being introduced on the property. Staff recommends approval subject to the conditions in the staff report.

**Motion starts at 2:52:40:**

On motion by Mr. Connelly, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-026:**

<b>Carson</b>	<b>Chairman</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Pauley</b>	<b>Not Present</b>
<b>Straws</b>	<b>Aye</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Aye</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Not Present</b>

Motion to recommend **APPROVAL** Passed: 8 to 0

**Subject to:**

1. **Should livestock be introduced, an updated Conservation District Plan is required.**
2. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon**



themselves to initiate the building permit process accordingly.

3. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.
4. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.
5. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

**Hearing starts at 2:53:50:**

**CHANGE OF ZONE APPLICATION COZ2022-028 – MIKE SANDERS - SYNOPSIS:**

Change of Zone from MP-2 Planned General Industrial and R-1 Single Family Districts to MP-2 Planned General Industrial District for future industrial development and site preparation at 4500 Dover Street and 4414 Gibbs Road.

**PLAT2022-026 – MIKE SANDERS WITH NAMPARA PROPERTIES, LLC – SYNOPSIS:**

Preliminary and Final Plat (Dover Ridge) at 4500 Dover Street and 4414 Gibbs Road.

*Detailed Outline of Requested Action:* The applicant, Mike Sanders with Nampara wants to rezone from MP-2 Planned General Business and R-1 Single Family Districts to MP-2 Planned General Industrial District and create one (1) industrial lot to build a 150,000 square foot building for a warehousing and distribution at 4500 Dover Street on 18.97 acres.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the

- applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
  7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

**Present in Support:**

- Mike Sanders, applicant, 3315 Fiberglass Road, Kansas City, Kansas 66105
- Lance Scott, CFS Engineers, 1421 East 104<sup>th</sup> Street, Suite 100, Kansas City, MO 64131
- Michael Jordan, 2728 South 52<sup>nd</sup> Street, Kansas City, Kansas 66106
- Carl and Devina Sanders, 4619 Dover, Kansas City, Kansas 66106

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 3:01:40:** Planning Director Hand stated that this Change of Zone is to CP-2 Planned General Industrial District and corrects the split zoning. It is being heard in conjunction with a preliminary and final plat. The site was previously graded without a permit or Special Use Permit. Staff has included conditions of approval in the Staff report that address the comments tonight. Before tonight Staff had received no letters in support nor in opposition. Staff has included the same conditions of approval as the previous developed properties adjacent to this site by the same applicant. Staff has worked with the Applicant on the fencing and buffering of the use from abutting residentially zoned property. A final development plan is required for this project. The Notices of Violation are listed in the Staff report. Staff recommends approval subject to the conditions in the staff report.

**Motion starts at 3:03:45:**

On motion by Mr. Miller, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-028:**

<b>Carson</b>	<b>Chairman</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Pauley</b>	<b>Not Present</b>
<b>Straws</b>	<b>Aye</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Aye</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Not Present</b>

Motion to recommend **APPROVAL** Passed: 8 to 0

**Subject to:**

1. A Final Development Plan is required to be submitted and approved to conclude this entitlement process;
2. Staff proposed the following manufacturing stipulation: Manufacturing uses are permitted on the property that are restricted to the MP-1 use regulations and shall comply with Sec. 27-468(c)(3) No use shall be permitted or so operated as to produce or emit:
  - a. Smoke, dust, fly ash, gas, or odorous emission not in compliance with Chapter 3 (Code of the Unified Government of Wyandotte County/Kansas City, Kansas, Chapter 3 – Air Pollution);
  - b. Vibration or concussion perceptible without instruments at the property line;
  - c. Noise greater than 75dB(A) at repeated intervals for a sustained length of time at any point on the property line or noise which causes the day-night noise level average to exceed 65 dB(A) for any residence for a sustained period;
  - d. Industrial waste which may overburden the public sewage facilities or produce odor or unsanitary effects beyond the property line;
3. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;
4. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside
5. Utility easements shall connect with easements established in adjoining properties;
6. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided.
7. Crosswalks shall be added to driveways and intersections where sidewalks are connected along and across the perimeter of the building and throughout the parking lot where employees walk to the building;
8. Sec. 27-469(c)(1)d. No use shall be permitted or so operated as to produce or emit: Noise greater than 80 decibels at repeated intervals for a sustained length of time at any point on the property line or noise which causes the day-night level average to exceed 65 decibels for any residence for a sustained period;
9. While there is no entrance/exit off Dover Street or Gibbs Road, no truck traffic shall enter or exit 4500 Dover Street and 4414 Gibbs Road from those two streets. All truck traffic shall be routed on South 45<sup>th</sup> Street via Metropolitan Avenue;
10. The loading dock doors shall be painted to match the building or a complimentary color as the primary building;
11. Downspouts shall be recessed in corners of the building and in locations that do not draw a person's eye visually. The downspouts shall be painted to match the building;
12. Maintain existing tree stands, as existing trees provide an enhanced buffer between the edge of the parcels and Dover Street, South 45<sup>th</sup> Street, and Interstate 635 right-of-way. Homes must be screened at the time the Temporary Certificate of Occupancy is issued. Creative solutions are

warranted with berms, fencing and landscaping. A variance will be required if the building is not screened from public view (the trailers are screened from view).

13. The revised landscape plan for the Final Development Plan must be bubbled/clouded around the existing tree stand to be preserved along the south property line. Twenty-seven (27) Taylor Junipers are not going to provide the same density of the buffering that the existing tree stand currently provide;
14. Relandscape the south and east slope of the site and remaining void areas throughout the development site;
15. Trash compactors or receptacles shall be screened from public view;
16. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials;
17. Rooftop mechanical equipment shall be screened from public view by a parapet;
18. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
19. Sec. 27-469(g) Trees are required to be provided at not less than one (1) per 10,000 square feet of site area. Based on the total tract size, 83 trees are required to be planted. This does not include the trees to be planted along the perimeter of the property for screening and buffering requirements;
20. Sec. 27-700(3) A buffer area shall be provided alongside and rear property lines common to or across an alley from residentially zoned property and shall consist of an area fifteen (15) feet in width improved with a six (6) foot architectural screen wall adjacent to the property line and one row of shade trees spaces not more than forty (40) feet on center and one row of large shrubs spaced not more than eight (8) feet on center;
21. The architectural fence shall have masonry columns every thirty-two (32) feet running and may be up to eight (8) feet in height. The fence shall either be a wood picket or metal panel fence;
22. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots that are used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one (1) shade tree for each twenty (20) parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. For design comparison, review parking islands at Amazon Fulfillment Center, located at 6925 Riverview Avenue;
23. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the

development, there may be a variety of native grasses and plants (wildflowers).

24. All landscaping shall be irrigated;
25. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
26. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
27. All existing and future driveways must feature curb cuts that are constructed to UG standards;
28. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
29. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
30. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mr. Miller, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE PLAT2022-022**:

<b>Carson</b>	<b>Chairman</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Pauley</b>	<b>Not Present</b>
<b>Straws</b>	<b>Aye</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Aye</b>

**Beth**                      **Aye**  
**Connelly**                **Aye**  
**Ernst**                    **Aye**  
**Jones**                    **Not Present**

Motion to recommend **APPROVAL** Passed: 8 to 0

**Subject to the above conditions.**

**Hearing starts at 3:06:**

**MASTER PLAN AMENDMENT MPL2022-017 - JACK XIONG WITH THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS - SYNOPSIS:**

Master Plan Amendment from Industrial (City-Wide Master Plan) to Utilities (City-Wide Master Plan) for a water treatment plant at 2443 South 88<sup>th</sup> Street.

**CHANGE OF ZONE APPLICATION COZ2022-031 – JACK XIONG WITH THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS - SYNOPSIS:**

Change of Zone from R-1 Single Family and M-2 General Industrial Districts to MP-3 Planned Heavy Industrial District for a water treatment plant at 2443 South 88<sup>th</sup> Street.

**PLAN REVIEW APPLICATION PR2022-031 - JACK XIONG WITH THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS - SYNOPSIS:**

Final Plan Review for a water treatment plant at 2443 South 88<sup>th</sup> Street.

*Detailed Outline of Requested Action:* The applicant, Jack Xiong with the Unified Government, Public Works Department, Water Pollution Control Division wants to rezone from MP-2 Planned General Industrial and R-1 Single Family Districts and MP-3 Planned Heavy Industrial District, and amend the City-Wide Master Plan from Industrial to Utilities to construct a building addition at the Wastewater Treatment Plant on 32.3 acres at 2443 South 88<sup>th</sup> Street.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo for the Master Plan Amendment and Change of Zone; and,
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

**Present in Support:**

- Samuel Brown, HDR Engineering, 10450 Holmes Road, Suite 600, Kansas City, Missouri 64131
- Jack Xiong, applicant, 50 Market Street, Kansas City, Kansas

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 3:12:40:** Planning Director Hand stated the Change of Zone COZ2022-031 is being heard in conjunction with Master Plan Amendment MPL2022-017 and Plan Review PR2022-031. The Change of Zone and Master Plan Amendment are to bring the zoning in conformance with the use on the property and to correct the split zoning on the property. Staff has received no letters in support nor in opposition. There are no Notices of Violation on the property. Staff recommends approval subject to the conditions in the staff report.

**Motion starts at 3:13:50:**

On motion by Mr. Straws, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment Application MPL2022-017:**

<b>Carson</b>	<b>Chairman</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Pauley</b>	<b>Not Present</b>
<b>Straws</b>	<b>Aye</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Aye</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Not Present</b>

Motion to recommend **APPROVAL** Passed: 8 to 0

**Subject to:**

- 1. Per Section 27-213(g)(5), the City Planning Commission shall recommend, and the Board of Commissioners shall grant, approval or denial of the comprehensive plan amendment upon consideration of the following factors:**
  - a. Whether events subsequent to the comprehensive plan adoption have changed the character and/or condition of the area so as to make the application acceptable;**
  - b. Whether the change is consistent with the goals and policies of the comprehensive plan and/or any relevant corridor, neighborhood, or area plan;**
  - c. Whether public and community facilities, such as utilities, sanitary and storm sewers, water, police and fire protection, parks and recreational facilities, roads, and others are adequate to serve development for the type and scope suggested by the proposed land use. If utilities are not available, whether they can be reasonably extended;**
  - d. Whether the proposed amendment would result in comprehensive plan or regulatory conflicts;**
  - e. Whether the proposed amendment would allow a change in development on the subject site without creating adverse impacts on existing or planned surrounding uses, or creating inconsistencies with applicable future land use map patterns; and**

- f. The impacts of the potential costs and benefits derived by the community or area by the proposed change.
2. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
3. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620 or [BuildingInspection@wycokck.org](mailto:BuildingInspection@wycokck.org);
4. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Section 8-610 – Section 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/ Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspection Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
5. Sec. 27-470(h) All land area that is not covered by buildings or otherwise surfaced shall be brought to a finished grade and landscaped. Six (6) foot high architectural screening in combination with a buffer area is to be provided along all side and rear property lines common to or across an alley from residentially zoned property.

The parcel to the east is zoned R-1 Single Family District, therefore rezoning to industrial district requires architectural screening.

Per Sec. 27-696 *Architectural screening* means a masonry or wood frame wall or any fence designed, constructed, and maintained to provide a complete obstruction of view from ground level to at least the height specified in the individual zoning district requirements, to be durable and compatible with surrounding development. A berm is considered to be architectural screening;

6. Sec. 27-700(b)(3) A buffer area shall be provided alongside and rear property lines common to or across from an alley or residentially zoned property and shall consist of an area fifteen (15) feet in width improved with a six (6) foot architectural screen adjacent to the property line and one (1) row of shade trees spaced not more than forty (40) feet on center and one (1) row of large shrubs spaced not more than eight (8) feet on center;
7. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers);
8. New rooftop equipment (RTUs, venting, etc.) shall be screened by a parapet;
9. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare



incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;

10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly; and,
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mr. Straws, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-031:**

<b>Carson</b>	<b>Chairman</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Pauley</b>	<b>Not Present</b>
<b>Straws</b>	<b>Aye</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Aye</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Not Present</b>

Motion to recommend **APPROVAL** Passed: 8 to 0

**Subject to the above conditions**

On motion by Mr. Straws, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE PR2022-031:**

<b>Carson</b>	<b>Chairman</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Pauley</b>	<b>Not Present</b>
<b>Straws</b>	<b>Aye</b>

Ward                      Aye  
Armstrong              Aye  
Beth                      Aye  
Connelly                 Aye  
Ernst                     Aye  
Jones                    Not Present  
Motion to **APPROVE** Passed: 8 to 0  
**Subject to the above conditions**

**The Commission took a break from 3:16:50 to 3:24:50**

**Hearing starts at 3:25:00:**

**SPECIAL USE PERMIT APPLICATION SP2021-069 – PRABHJOT SINGH PADDA WITH UNITED TRUCK REPAIR - SYNOPSIS:** Special Use Permit to operate an inspection/light maintenance facility for United Truck Repair (SP-2019-82 expired 9/26/2021) at 451 South 14<sup>th</sup> Street.

Detailed Outline of Requested Action: The applicant, Prabhjot Singh Padda, Business owner of United Truck Repair, is requesting to renew a Special Use Permit to continue operation of a Light Repair Business on semi-trucks and Repair Shop Parking.

City Ordinance Requirements: 27-464 through 27-470 and 27-592 through 27-606

Code Enforcement History: There was one Code Enforcement case on this property for high grass and trash on the property in May 2004.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

**Present in Support:**

- Wil Anderson, BHC Rhodes, 712 State Avenue, Kansas City, Kansas 66101, representing the applicant

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 3:32:10:** Planning Director Hand stated that this application was remanded back to the Planning Commission by the Unified Government

Board of Commissioners last month to provide the Applicant the final 30 days remaining in the code to provide the additional information requested by Staff. Staff has received no letters in support nor in opposition to this application. There are no Notices of Violation on the property. Director Hand stated that the Applicant's representation stated that they have put a lot of money into the property making various improvements. The improvements do not meet all the requirements of the Special Use Permit code requirements. Staff has broken down what the Applicant has done now and what they need to do before the next renewal if this application is recommended for approval by the City Planning Commission and approved by the Board of Commissioners. Staff recognizes the work the Applicant has done and recommends approval subject to the conditions in the staff report.

Planning Commissioner Ernst commended Staff for working with a small business owner over several months to advance this project where it is today.

**Motions starts at 3:35:10:**

On motion by Mr. Ernst, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of SP2021-069 for two (2) years:**

<b>Carson</b>	<b>Chairman</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Pauley</b>	<b>Not Present</b>
<b>Straws</b>	<b>Aye</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Aye</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Not Present</b>

Motion to recommend **APPROVAL** Passed: 8 to 0

**Subject to:**

- 1) The Special Use Permit shall be valid for 2 years from the publication of the associated Ordinance.**
- 2) The applicant is requesting a Special Use Permit for an Automotive Use under Sec 27-593(b)(19-20). Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD).**
- 3) Failure to comply with any of the requirements of this Special Use Permit, or any condition of approval, will result in this special use permit being returned to the Board of Commissioners for revocation.**
- 4) This Special Use Permit applies to maintenance for large trucks. Maintenance, repair, or storage of regular passenger vehicles is not included in this permit and is not allowed on the property. Only passenger vehicles that belong to customers, employees, or the public patronizing this business may be parked on the property and must be parked in designated and striped parking stalls.**
- 5) There cannot be any shared work, inventory, storage, or property access with another business or another property under this Special Use Permit.**

- 6) Hours of operation will be 9am-6pm Monday through Friday and 9am-4:30pm on Saturday.**
- 7) Must register and maintain annually a business license with the Business Licensing Department for all uses on the property.**
- 8) Approval allows no more than 16 Trucks and trailers inventory at this site and limited to the area along the north fence line.**
- 9) No truck or trailer repair or servicing is allowed outside of the building in public view. No more than five (5) trucks at any given time may be positioned on the east side of the building for servicing and be considered to be screened from view by the massing of the building. All other trucks and trailers must be parked in designated stalls along the north fence line.**
- 10) Inoperable trucks are only allowed to be stored inside the enclosed building or in the rear of the lot and only if they can be fully obscured from public view by a required 8 foot tall architectural screening fence to the same standards for a salvage yard operation. Any inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with 27-470 and 27-697 through 27-704. Any outside storage may not reduce the availability of all required parking space.**
- 11) No storage or warehousing of inoperable vehicles, or salvage or wrecked vehicles or automobile parts on the property.**
- 12) At no time shall Cars, Trucks, or Trailers be parked in the right of way of 14<sup>th</sup> Street in front of the property.**
- 13) A Complete Development Plan is required before a renewal application.**
- 14) The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process.**
- 15) Applicant must install and maintain ten(10) required parking spaces, including one(1) ADA accessible parking space which is designated "Van Accessible".**
- 16) Applicant must install and maintain the required six (6) foot setback from the inside of the west property fence including interior curbing installed meeting or exceeding that setback distance. The area within the six foot setback from the west property fence will be developed as a landscape area and must be planted with turfgrass and trees and shrubs and served by the automatic irrigation system.**
- 17) Applicant must install twenty-three(23) shade trees on the property. Shade trees shall be deciduous tree species that are listed on the approved street tree species list and larger than minimum 2-inch caliper size.**
- 18) All landscape areas on the property, in the parking islands, and along the frontage must be served by an installed automatic irrigation system.**
- 19) Applicant must provide a trash enclosure for any dumpster(s) placed on the property which are not located east of the building out of public view.**
- 20) The improved surfaces on the property must be improved or repaired to current UG standards.**
- 21) All existing and future driveways must feature curb cuts that are constructed to UG standards;**

- 22) Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
- 23) All businesses located at this property must operate in compliance with the Sign Ordinances at all times.

**Hearing starts at 3:36:24 and the Applicant was not present. The application was recalled at 4:40:00 and the Applicant was not present:**

**SPECIAL USE PERMIT APPLICATION SP2022-033 – TWASHANE CRAWLEY WITH COMPLETE CAR CARE - SYNOPSIS:** Special Use Permit for auto repair/body shop supply store at 1000 State Avenue.

*Detailed Outline of Requested Action:* The Applicant, Twashane Crawley with Complete Car Care, is requesting a Special Use Permit for the operation of an automotive repair facility as a tenant inside the subject property at 1000 State Avenue. The subject property has a total of 10,010 square feet and the Applicant is proposing to utilize the portion of the building occupying 7,330 square feet. The other tenants in the building are an automotive paint supply store which is open to the public and an automotive body shop with a paint booth which is used as an auxiliary space by the tenant. The applicant has recently moved the automotive repair service of their business to the subject property from their prior address at 7132 Leavenworth Road.

To be approved, this application will need to be heard in conjunction with a Change of Zone and a Variance for Parking. The applicant did not apply for the Change of Zone and did not submit the documents required to complete the variance application. Light automotive repair is not allowed in the current zone, even if a Special Use Permit has been approved. The applicant is currently using the parking lot at the former Gates BBQ location as additional auto storage, although that parking lot agreement would require approval from the Planning Commission.

The Applicant will need to complete a Special Use Permit for the additional property at 7132 Leavenworth for automotive storage, although that is outside the scope of this report.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

**Present in Support:**

- No one appeared

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 4:40:05:** Planning Director Hand stated that the request is for an automotive repair business. The site was formerly an automotive repair business that has been out of business for two (2) years so there is no continuation of this use. The property is in the Downtown Area Master Plan. Staff has not received the requested information from the Applicant. The application was filed last February, and Staff has attempted to work with them to submit all the requested information and the Applicant has not responded. Staff has done multiple site visits and observed violations including expansion of the operation with a third bay being used for a paint shop. There is also work being done on vehicles outside, which is prohibited in the zoning code. Staff has mentioned to the Applicant that a Change of Zone, Plan Review and Appeal are also required, but none of these additional entitlements have been applied for as requested. Staff recommends denial due to the unresponsiveness of the applicant for the information being requested and the violations observed by Staff during site visits.

**Motion starts at 4:42:29:**

On motion by Mr. Straws, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **DENIAL of Special Use Permit Application SP2022-033 due to the unresponsiveness of the applicant for the information being requested and the violations observed by Staff during site visits:**

<b>Carson</b>	<b>Chairman</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Pauley</b>	<b>Not Present</b>
<b>Straws</b>	<b>Aye</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Aye</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Not Present</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Not Present</b>

Motion to recommend **DENIAL** Passed: 7 to 0

**Hearing starts at 3:37:50 and the applicant was not present. The application was recalled at 4:43:37 and the Applicant was not present:**

**SPECIAL USE PERMIT APPLICATION SP2022-051 – GONZALO HERNANDEZ-CASILLAS - SYNOPSIS:** Special Use Permit for an automotive repair shop at 745 Kansas Avenue.

*Detailed Outline of Requested Action:* The Applicant, Gonzalo Hernandez Casillas with GH Auto Repair, is requesting a Special Use Permit for the operation of an automotive repair facility at 745 Kansas Avenue. The subject property is on a corner parcel and has a total of 8,550 square feet with no parking. This property is seven (7) blocks from the Kansas River and Armourdale Gateway. The Applicant is planning to relocate to this location from their

current property. The building was formerly known as Sherman Auto Parts in the 1970s and in more recent years as CARQUEST Automotive Parts Store. The building has a retail store towards the front of the property with a two-story metal repair building in the rear. The front retail space is now being repurposed as a gym by a separate tenant and is not part of this report.

Due to a language barrier, the applicant hired private representation, VA Multiservice, who has been unresponsive and has not completed any requirements of this entitlement. Additional comment is at the end of this report.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

**Present in Support:**

- No one appeared

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 4:44:06:** Planning Director Hand stated that the request is for an automotive repair facility in the Armourdale area. The building is a former auto parts store with a bay door on the back of the building. Director Hand showed the Commission a picture of the bay door and stated that is where the operation would take place. Staff has made multiple attempts to acquire the necessary information to review the application and has received no information. At one point Staff felt that there may have been a communication issue, but the Applicant hired representatives and Staff received no information or response from the owner's representative either. Staff even went to the representative's office to speak with them to no avail. Staff recommends denial due to the Applicant being unresponsive to Staff's request for information.

**Motion starts at 4:46:00:**

On motion by Mr. Straws, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **DENIAL of Special Use Permit Application SP2022-051** due to the Applicant being unresponsive to Staff's request for information:

<b>Carson</b>	<b>Chairman</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>

<b>Pauley</b>	<b>Not Present</b>
<b>Straws</b>	<b>Aye</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Aye</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Not Present</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Not Present</b>

Motion to recommend **DENIAL** Passed: 7 to 0

**Hearing starts at 3:39:11:**

**SPECIAL USE PERMIT APPLICATION SP2022-054 – RAUL VILLEGAS-RODRIGUEZ WITH SOCCER NATION KC - SYNOPSIS:** Special Use Permit to operate an indoor soccer facility at 520 South 55<sup>th</sup> Street.

*Detailed Outline of Requested Action:* The applicant, Raul Villegas-Rodriguez with Soccer Nation, wants to continue to use a portion of the building as an indoor soccer facility on the property on 6.32 acres located at 520 South 55<sup>th</sup> Street.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

**Present in Support:**

- Raul Villegas-Rodriguez, applicant, 708 Simpson, Kansas City, Kansas 66101

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 3:41:55:** Planning Director Hand stated that this is the second renewal of this indoor soccer facility. Staff has received no letters in support nor opposition. Staff is recommending conditions of approval that require restriping of the parking adding required ADA parking stall(s) and creating pedestrian connectivity. The goDotte Mobility Plan does require a sidewalk on 55<sup>th</sup> Street. Staff recommends approval for five (5) years subject to the conditions in the staff report.



**Motion starts at 3:42:49:**

On motion by Mr. Straws, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-054 for five (5) years:**

<b>Carson</b>	<b>Chairman</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Pauley</b>	<b>Not Present</b>
<b>Straws</b>	<b>Aye</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Aye</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Not Present</b>

Motion to recommend **APPROVAL** Passed: 8 to 0

**Subject to:**

1. **The Sidewalk and Trails Master Plan designates South 55<sup>th</sup> Street as a Regional Trail, which requires a ten (10) foot sidewalk on one (1) side of the street and a five (5) foot sidewalk on the other side of the street. Staff will give the applicant five (5) years to install a five (5) foot sidewalk from curb cut on the west side of South 55<sup>th</sup> Street, north and connect the existing sidewalk on Turner Diagonal. This will allow the applicant to recoup losses due to COVID-19 and the closure of the facility;**
2. **Hours of operation are as follows:**
  - a. **Spring, Summer, and Fall:**
    - i. **Monday through Thursday – 6:00 PM to 11:30 PM.**
    - ii. **Friday – 6:00 PM to 1:30 AM.**
  - b. **Winter:**
    - i. **Monday through Thursday – 6:00 PM to 11:30 PM.**
    - ii. **Friday – 6:00 PM to 1:30 AM.**
    - iii. **Saturday and Sunday – 8:00 AM to 11:00 PM;**
3. **Paint a four (4) foot wide hatched, pedestrian pathway between the front door of the building (on the east side of the building) through the parking lot to the curb cut and sidewalk connection;**
4. **An ADA ramp and parking needs to be added to the east side of the parking lot if the south side of the building is not accessible due to the fencing and box truck parking, otherwise remove the box trucks, so the south side of the building is ADA accessible;**
5. **Install three (3) trees in the green space, south of the driveway apron along South 55<sup>th</sup> Street. The applicant has one (1) year from the date of approval to install three (3) trees along South 55<sup>th</sup> Street;**
6. **Restripe of the parking lot associated with Soccer Nation;**
7. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;**

8. If approved, the applicant must file and maintain a current business occupation tax application with this Business Licensing Division at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102 or (913) 573-8780;
9. A Right-of-Way Permit is required for the sidewalk extension. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
10. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
12. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

**Hearing starts at 3:43:40:**

**SPECIAL USE PERMIT APPLICATION SP2022-072 – JAMES SULLIVAN WITH SULLIVAN PALMER ARCHITECTS - SYNOPSIS:** Special Use Permit for a used car dealership at 1401 Merriam Lane.

**Detailed Outline of Requested Action:** The applicant, James Sullivan, is requesting a Special Use Permit for a used car-dealership with light auto-repair at 1401 Merriam Lane.

In addition to the car dealership, the business will also engage in auto detailing and light-repair at 1401 Merriam Lane.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

**Present in Support:**

- Jim Sullivan, applicant, Sullivan Palmer Architects, 8621 Johnson Drive, Merriam, Kansas 66202
- Bob Hill, General Contractor

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 3:50:12:** Planning Director Hand stated that Staff has been working with the applicant on this proposal for some time. The property is located in the City-Wide Master Plan just west of the Rosedale area. Staff has received one (1) letter in support and no letters in opposition. There is a KCKPD call for service, but that was with a prior owner. Staff recommends conformance with the Commercial Design Guidelines and thought Staff and the Applicant were in agreement until the question of painted brick was brought up this evening. Staff recommends that the Commercial Design Guidelines are followed and does not support painted brick and there are a myriad of brick that can be used. Staff's last conversation with the Applicant indicated that they were in agreement with the easement for the trail so he is not sure what has happened with that agreement. Staff stated that there is a drainage easement that covers a large portion of the property and is recommending that the easement be extended to the top of the "ridge line" for the future trail. Director Hand stated that the Applicant has done everything requested by Staff, including filing a Change of Zone application to correct the split zoning. Staff recommends approval for two (2) years subject to the conditions in the staff report.

The Commission, Staff and General Contractor discussed the easement being requested.

**Motion starts at 3:57:05:**

On motion by Mr. Ernst, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-072 for two (2) years:**

**Carson** Chairman

SEPTEMBER 12, 2022

<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Pauley</b>	<b>Not Present</b>
<b>Straws</b>	<b>Aye</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Aye</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Not Present</b>

Motion to recommend **APPROVAL** Passed: 8 to 0

**Subject to:**

1. Per the goDotte County-Wide Mobility Plan, the applicant will be required to dedicate an easement along Turkey Creek. This easement must start from the edge of the bank down to the existing easement, to accommodate for future trail development;
2. The applicant will be required to submit a change of zone to correct the split zoning found on the property;
3. The business may not operate later than 6:00 pm;
4. The applicant is requesting a Special Use Permit for a property zoned C-3 Commercial District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). Should there be conflicts between the CDGOD and other regulatory land use requirements, the stricter interpretation shall apply per Section 27-574(f). This subsection addresses the applicant’s demonstrated compliance with relevant CDGOD regulations for SP2022-072. All listed requirements that are identified as *“have not been meet”* must be granted a deviation by the City Planning Commission upon specific request by the applicant during the City Planning Commission meeting.
  - a. The following requirements of the Commercial Development Guidelines Overlay District have been met:
    - i. Sec 27-575(d)(2): Curb-cuts should be minimized and concentrated at mid-block
    - ii. Sec 27-575(d)(7) There shall be a hierarchy of internal circulation beginning with site access from the public street.
    - iii. Sec. 27-575(d)(8) states that “Internal vehicular, bicycle and pedestrian circulation must connect in a manner obvious to users.
    - iv. Sec. 27-575(d)(9) states that “to the maximum extent possible, there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems
      - a. Access driveways shall feed into driving lanes which shall divide into parking lanes and parking areas
      - b. There shall be limited access to driveways, which shall be provided from driving lanes, not parking areas, wherever possible.

- c. **Circulation Patterns within parking areas shall be defined by curbs and landscaped islands**
  - d. **Where possible, groups of buildings should be serviced by dedicated service access lanes.**
- v. **Sec 27-575(d)(11) Internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces.**
- vi. **Sec 27-575(d)(12) Pedestrian connections must be clearly defined in a combination of two or more of the following ways:**
  - 1. **Six-inch vertical curb;**
  - 2. **Trellis;**
  - 3. **Special railing;**
  - 4. **Bollards;**
  - 5. **Special paving;**
  - 6. **Low seat wall or other architectural features;**
  - 7. **Pedestrian scale lighting; or**
  - 8. **Traffic calming devices.**
- vii. **Sec 27-575(e)(2) Pedestrian walkways through the parking area to building entrances should be clearly marked pursuant to this subdivision.**
- viii. **Sec 27-575(e)(3) Parking located between front of building and street right-of-way must provide an additionally 20 feet of landscaped area in addition to the required setback. This, however, would cause an undue hardship, therefore, the applicant will only be required to provide a six (6) foot landscaped buffer. Please demonstrate this on the site plan.**
- ix. **Sec 27-575(e)(4) Parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements.**
- x. **Sec 27-575(f)(1) There should be a designated walkway or clear pathway to the main entrance of a building so that pedestrians are not required to walk through parking lots.**
- xi. **Sec 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.**
- xii. **Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent developments or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity. The applicant will need to revise the plan to include the screening shrubs.**
- xiii. **Sec. 27-577(d)(1) At least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.**

- xiv. The Commercial Design Guidelines require that all disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction.
- xv. The Commercial Design Guidelines require that all roof mounted units must be screened by the parapet of the building
- xvi. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
  - a. One tree with a minimum caliper of two inches (ornamental) evergreen trees must be planted at least six feet tall (when planted) provided for every 30 feet of street easement or frontage.
  - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees.
- xvii. Sec 27-577(a)(5) – Landscaping shall exceed the typical code requirements by at least 75 percent
  - a. The district requirement is one tree per 7,000 square feet of site area.  
The 3.43 acre site is 84,071 Square Feet, which would require 12 trees per the Code of Ordinances.
  - b. All deciduous trees shall be at least 2½” caliper when planted. All evergreens must be at least 6’ in height when planted. All shrubs must be planted at a minimum of 5 gallons.
  - c. Landscaping shall be irrigated.
- b. The following requirements of the Commercial Development Guidelines Overlay District *have not* been met in which the Applicant is wishing to exercise alternative design methods or deviances from the guidelines:
  - i. Sec 27-576(d)(1) A single building development with multiple buildings must maintain a consistent style/architectural theme. Architectural design building materials, colors, forms, roof style and detailing should all work together to express consistent design. This includes all pads within a retail development, as well as gasoline pump canopies or other accessory structures.

5. Any business or land use in Kansas City, Kansas that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked

within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;

6. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
7. The Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
8. If approved, the applicant or any occupying businesses must file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office. Any contractor associated with the project shall file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office and with the building inspection office;
9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
10. All existing and future driveways must feature curb cuts that are constructed to UG standards;
11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
12. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
13. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:
  - a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
  - b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if

readily removable from the area within the time available after a flood warning.

14. Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
15. Per Sections 27-667-27-676, every vehicle must be in a designated and striped parking space. Provide a site plan indicating the number of parking stalls, indicating which stalls are dedicated to customers, employees and staff, vehicles for sale, or vehicles for repair. Detailed dimensions of each parking stall are required. Non-ADA parking stalls must be 9' wide from the inside of stripe to inside of stripe and 18' in length;
16. Any automotive-related use in Kansas City, Kansas shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
19. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and



**20. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

**Hearing starts at 3:58:25:**

**SPECIAL USE PERMIT APPLICATION SP2022-077 – AUSTIN LAGE WITH BHC**

**RHODES - SYNOPSIS:** Special Use Permit for a fueling and maintenance facility at 700 Kindelberger Road.

**PLAT2022-028 – WIL ANDERSON WITH BHC RHODES – SYNOPSIS:** Final Plat (CPS Fleet Fuels) for one (1) industrial lot at 700 Kindelberger Road.

**PR2022-025 - AUSTIN LAGE WITH BHC RHODES - SYNOPSIS:** Preliminary and Final Plan Review for a fueling and maintenance facility at 700 Kindelberger Road.

*Detailed Outline of Requested Action:* The applicant, Austin Lage with BHC, is requesting a Preliminary and Final Plat, a Final Plan Review, and a Special Use Permit. The Preliminary and Final Plat will create one (1) industrial plat from Parcel #903701 (addressed as 700 Kindelberger Road), Parcel #892221, Parcel #892222, and Parcel #892223, and a portion of public right-of-way. The Final Plan Review is for the proposed development on the subject property: a fueling station open to the public and a private truck maintenance facility. The Special Use Permit is for heavy automotive/truck services, repair, and mechanic, which will allow for the operation of a truck maintenance facility, in conjunction with a fueling station.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo for the Special Use Permit; and,
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

**Present in Support:**

- Austin Lage, applicant, BHC Rhodes, 7101 College Boulevard, Suite 400, Overland Park, Kansas 66210
- Wil Anderson, BHC Rhodes, 712 State Avenue, Kansas City, Kansas 66101

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 4:01:29:** Planning Director Hand stated that the Special Use Permit is being heard in conjunction with a plan review and plat. The property is in the Northeast Area Master Plan. The project has been recently approved for a Special Use Permit in the past and there were major changes so a new Special Use Permit was required. Staff worked with the Applicant on the Commercial Design Guidelines and connectivity. Staff recommends approval for two (2) years subject to the conditions in the staff report.

**Motion starts at 4:02:35:**

On motion by Mr. Straws, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-077 for two (2) years:**

<b>Carson</b>	<b>Chairman</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Pauley</b>	<b>Not Present</b>
<b>Straws</b>	<b>Aye</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Aye</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Not Present</b>

Motion to recommend **APPROVAL** Passed: 8 to 0

**Subject to:**

- 1. A five (5)-foot sidewalk along the Kindelberger Road right-of-way must be installed and tied into both the existing sidewalk along Kindelberger Road and the intersection at North 7th Street Trafficway and Kindelberger Road. The sidewalk must have all relevant curb cuts, marked crosswalks, and landscaping demonstrated in the submitted site and landscaping plans;**
- 2. So long as all trucks under repair are stored inside the building, Section 27-593(b)(20) will be satisfied. If the applicant or property have a revised parking plan based on additional parking needs, it must be submitted for the Final Plan Review and, per Section 27-210(h)(2)a and 27-211(g)(1);**
- 3. In addressing the building materiality requirements in Section 27-576(e)(1)-(2), the applicant may have a metal building, but must cover the outside metal façade in stucco or another qualifying masonry material;**
- 4. Per Section 8-249(b), any fence not otherwise prohibited and no more than eight (8) feet in height is permitted within an area demarcated by the property side line from the front and/or corner side yard required setback to the rear property line and across the rear property line;**
- 5. Per Section 27-470(d)(2), no equipment, material or vehicles, other than motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or**

- other obstruction, set back not less than six (6) feet from the street line and not less than three (3) feet in height;
6. The requirements of the Commercial Development Guidelines Overlay District that have been met or will be met are listed under Comment #2 in the “Planning and Urban Design Comments: Commercial Development Guidelines Overlay District” subheading of the *Staff Comments and Suggestions* section of this report;
  7. The requirements of the Commercial Development Guidelines Overlay District that have not been met are listed under Comment #3 in the “Planning and Urban Design Comments: Commercial Development Guidelines Overlay District” subheading of the *Staff Comments and Suggestions* section of this report. Any additional deviations from the CDGOD no listed under this subsection must be made by oral amendment before the City Planning Commission;
  8. There are comments incorporated herein by the Wyandotte County Conservation District. For a full list of the Conservation District comments, see the “Wyandotte County Conservation District Letter, Dated August 16, 2022” in the *Attachments* section of this report;
  9. If approved, the applicant must file and maintain a current business occupation tax application with this office;
  10. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
  11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
  12. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
  13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
  14. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
  15. Should the predicted amount of traffic increase by more than twenty (20%) percent, a traffic impact study shall be required;

- 16. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;**
- 17. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;**
- 18. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;**
- 19. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;**
- 20. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit; and,**
- 21. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion**

thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.

On motion by Mr. Straws, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE PLAT2022-028**:

<b>Carson</b>	<b>Chairman</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Pauley</b>	<b>Not Present</b>
<b>Straws</b>	<b>Aye</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Aye</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Not Present</b>

Motion to recommend **APPROVAL** Passed: 8 to 0

**Subject to:**

1. The applicant(s) must obtain a quitclaim deed or other equivalent instrument of land rights transference from the Kansas Department of Transportation for Parcels #892221, #892222, and #892223, and for the portion of public right-of-way to be incorporated into CPS FLEET FUELS Plat;
2. All corrections noted under the “Planning Engineering Comments” and “GeoSpatial Services Comments” subsections within *the Staff Comments and Suggestions* section of this report must be reflected on the final mylars; and,
3. The applicant must comply with all updated responses (both applicant responses and staff responses) under “Selected Applicant Responses from PR2022-011 & SP2022-031” within *the Staff Comments and Suggestions* section of this report.

On motion by Mr. Straws, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL** of Plan Review Application PR2022-025:

<b>Carson</b>	<b>Chairman</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Pauley</b>	<b>Not Present</b>
<b>Straws</b>	<b>Aye</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Aye</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Not Present</b>

Motion to recommend **APPROVAL** Passed: 8 to 0

**Subject to:**

1. A five (5)-foot sidewalk along the Kindelberger Road right-of-way must be installed and tied into both the existing sidewalk along Kindelberger Road and the intersection at North 7th Street Trafficway and Kindelberger Road. The

- sidewalk must have all relevant curb cuts, marked crosswalks, and landscaping demonstrated in the submitted site and landscaping plans;
2. So long as all trucks under repair are stored inside the building, Section 27-593(b)(20) will be satisfied. If the applicant or property have a revised parking plan based on additional parking needs, it must be submitted for the Final Plan Review and, per Section 27-210(h)(2)a and 27-211(g)(1);
  3. In addressing the building materiality requirements in Section 27-576(e)(1)-(2), the applicant may have a metal building, but must cover the outside metal façade in stucco or another qualifying masonry material;
  4. Per Section 8-249(b), any fence not otherwise prohibited and no more than eight (8) feet in height is permitted within an area demarcated by the property side line from the front and/or corner side yard required setback to the rear property line and across the rear property line;
  5. Per Section 27-470(d)(2), no equipment, material or vehicles, other than motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six (6) feet from the street line and not less than three (3) feet in height;
  6. The requirements of the Commercial Development Guidelines Overlay District that have been met or will be met are listed under Comment #2 in the “Planning and Urban Design Comments: Commercial Development Guidelines Overlay District” subheading of the *Staff Comments and Suggestions* section of this report;
  7. The requirements of the Commercial Development Guidelines Overlay District that have not been met are listed under Comment #3 in the “Planning and Urban Design Comments: Commercial Development Guidelines Overlay District” subheading of the *Staff Comments and Suggestions* section of this report. Any additional deviations from the CDGOD not listed under this subsection must be made by oral amendment before the City Planning Commission;
  8. There are comments incorporated herein by the Wyandotte County Conservation District. For a full list of the Conservation District comments, see the “Wyandotte County Conservation District Letter, Dated August 16, 2022” in the Attachments section of this report;
  9. If approved, the applicant must file and maintain a current business occupation tax application with this office;
  10. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
  11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
  12. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;

13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
14. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
15. Should the predicted amount of traffic increase by more than twenty (20%) percent, a traffic impact study shall be required;
16. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance; and,
17. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.

**Hearing starts at 4:05:30:**

**SPECIAL USE PERMIT APPLICATION SP2022-080 – MICHAEL WIBER - SYNOPSIS:**

Special Use Permit to operate an event space with live entertainment at 404 North 5<sup>th</sup> Street.

*Detailed Outline of Requested Action:* The applicant, Michael Wilber DBA Croatian Fraternal Union Lodge #35, has applied for a new Special Use Permit for live entertainment with alcohol service at 404 North 5th Street. The subject property is an event hall with administrative offices and a retail tenant. The building has a total of 4,534 square feet of building space on the ground level with 3,095 feet of space being dedicated to the event hall exclusively for the Lodge. There is a basement event hall with prep kitchen adding an additional 2438 of square footage in the basement for leasing to third parties. The building is informally known as the 5<sup>th</sup> Street Event Center and has been used as a fraternal lodge since its construction in 1914.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

**Present in Support:**

- Michael Wiber, applicant

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 4:07:55:** Planning Director Hand stated that the request is for a Special Use Permit for an event space with live entertainment for third-party events. A Special Use Permit is not required for members of the organization for their events as they have been there since 1914. He stated that the property is in the Central Area Master Plan and in the Strawberry Hill neighborhood. Staff has received no letters in support and two (2) letters in opposition. He further stated that there are some Notices of Violation and police reports as it relates to the use and Staff believes this permit will alleviate those violations if all conditions of approval are met and managed properly. The hours of operation are Friday, Saturday and Sunday. The entertainment on Friday and Saturday will end at 12:00 Midnight with everyone out of the building by 1:00 a.m. On Sunday the entertainment will end at 6:00 p.m. with everyone out of the building by 7:00 p.m. The Applicant has stated that the renter is in charge of removing the trash and Staff has added that the Applicant must ensure this cleaning is completed as a condition of approval. The Fire Department has requested that the applicant provide an updated occupancy number as the current number was set in 1914. Staff is asking for an update of that occupancy via a building permit/occupancy review. Staff recommends approval subject to the conditions in the staff report for two (2) years.

**Motion starts at 4:10:00:**

On motion by Mr. Miller, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-080 for two (2) years:**

<b>Carson</b>	<b>Chairman</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Pauley</b>	<b>Not Present</b>
<b>Straws</b>	<b>Aye</b>



<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Aye</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Not Present</b>

Motion to recommend **APPROVAL** Passed: 8 to 0

**Subject to:**

- 1) **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.**
- 2) **If approved, the applicant or any occupying businesses must file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office. Any contractor associated with the project shall file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office and with the building inspection office.**
- 3) **Renters of the facility must be made aware of trash policies in advance of rental. Trash receptacles must be made available for tenants to properly clean up the property. Building management shall be responsible for any trash not picked up by tenants.**
- 4) **The property's clean up shall include the sidewalks, walkways, and fence lines of the property.**
- 5) **The occupancy levels for the establishment shall be re-evaluated by the fire department upon full inspection. No events shall be held until the facility has met the guidelines of the Fire Department.**
- 6) **The hours of operation for this establishment's lower hall are limited to Friday and Saturday until 1:00 AM and Sunday 7 P.M. The additional hour past entertainment hours is to allow for cleanup of the facility and public grounds only.**
- 7) **Entertainment hours are limited to Friday and Saturday evenings, 6 pm to 12 am, Sundays 10 a.m. to 6 p.m.**
- 8) **All entertainment must cease by at least 12:00 AM on Friday and Saturday and 6 pm on Sundays.**
- 9) **Doors and windows must stay closed during any entertainment performance.**
- 10) **Must comply with the Unified Government Security Ordinance, Section Sec 4-104f.**
- 11) **All other applicable noise ordinance standards must be followed per Section 22-128.**
- 12) **Additional security measures include:**
  - a) **Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity per Section 4-104f;**
  - b) **Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;**
  - c) **An I.D. scanner will be used at all times;**

- d) At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
- 13) No amplified speakers or entertainment is allowed in outdoor spaces.
- 14) Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses.
- 15) The Special Use Permit shall be valid for 2 years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.
- 16) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

**Hearing starts at 4:11:35:**

**SPECIAL USE PERMIT APPLICATION SP2022-082 – DENISE TOMASIC WITH PURPLE PROPERTIES - SYNOPSIS:** Special Use Permit to operate a short-term rental at 419 North 6<sup>th</sup> Street.

*Detailed Outline of Requested Action:* The applicant, Denise Tomasic, is seeking approval to operate a short-term rental at 419 North 6<sup>th</sup> Street. The subject property is a duplex in the Strawberry Hill neighborhood. The applicant renovated the property from a mixed-use commercial and residential building to a flat-over-flat residential duplex and is in process of completing a Development Review Committee application for an occupancy conversion. The applicant had previously leased the property to a third party who operated both units as a short-term rental without permits, however that tenant is no longer operating the property or the units. The owner is now seeking approval to operate the units as short-term rentals themselves with the assistance of a property management company rather than a tenant.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

**Present in Support:**

- Denise Tomasic, applicant, owner of 417-419 North 6<sup>th</sup> Street, Kansas City, Kansas 66101

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 4:13:38:** Planning Director Hand stated that there are two (2) Short-Term Rentals on the property; one (1) on the first floor and one (1) on the second floor. The property is in the Central Area Master Plan and in the Strawberry Hill neighborhood. Staff has received some letters in support and no letters in opposition. There are some old Notices of Violation, which have been addressed. Staff is conditioning six (6) people and two (2) cars maximum for each unit. There will be two (2) double stacked rows of end to end parking in the back for off-street parking. There is an occupancy conversion permit pending that the Applicant is currently working through. Staff recommends approval subject to the condition in the staff report.

**Motion starts at 4:15:00:**

On motion by Mr. Miller, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-082 for one (1) year:**

<b>Carson</b>	<b>Chairman</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Pauley</b>	<b>Not Present</b>
<b>Straws</b>	<b>Aye</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Aye</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Not Present</b>

Motion to recommend **APPROVAL** Passed: 8 to 0

**Subject to:**

- 1) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.**
- 2) A Change of Occupancy is required.**
- 3) Maximum number of guests shall be six (6) per unit.**
- 4) All parking must be off-street, maximum number of vehicles is four (4) with the vehicles double stacked.**

- 5) The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax.
- 6) Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented.
- 7) Applicant is to maintain liability insurance.
- 8) The property must remain in proper main entrance and free of hazards, pests, or infestations.
- 9) The granting of this Special Use Permit does not transfer with a change of ownership of the property.
- 10) The owner or owner's agent/operator shall provide a guest book with the following information:
  - a) Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
  - b) No parties allowed.
  - c) A lead-based paint notification for any property built before 1978.
  - d) An asbestos notification for any property built before 1981.
  - e) Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and [www.hostcompliance.com/tips](http://www.hostcompliance.com/tips) (website)
- 11) Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
- 12) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.
- 13) The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

14) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.

15) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

**Hearing starts at 4:16:08:**

**PLAT2022-019 – ANDREA WEISHAUBT WITH ATLAS LAND CONSULTING -**

**SYNOPSIS:** Preliminary and Final Plat (Padilla Addition) to create two (2) residential lots at 3222 North 38<sup>th</sup> Street.

*Detailed Outline of Requested Action:* The applicant, Andrea Weishaubt with Atlas Land Consulting, on behalf of the property owner, Rucy Padilla, filed a Preliminary and Final Plat to subdivide the parcel into two (2) lots because there are two (2) single family residences at 3222 North 38<sup>th</sup> Street.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and,
6. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

**Present in Support:**

- Austin Thompson, Atlas Land Consulting,, 2300 Hutton Road, Suite 108, Kansas City, Kansas 66109

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 4:18:02:** Planning Director Hand stated that this case is being hearing in conjunction with BOZA2022-045, which was approved by the Board of Zoning Appeals earlier this evening. He further stated this application takes two (2) legal non-conforming parcels and creates two (2) single-family lots. There is a condition for

cross-access agreements between the two (2) parcels. Staff recommends approval subject to the conditions in the staff report.

**Motion starts at 4:18:55:**

On motion by Mr. Miller, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE PLAT2022-019:**

<b>Carson</b>	<b>Chairman</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Pauley</b>	<b>Not Present</b>
<b>Straws</b>	<b>Aye</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Aye</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Not Present</b>

Motion to **APPROVE** Passed: 8 to 0

**Subject to:**

- 1. This City Planning Commission case is being heard in conjunction with BOZA2022-045. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-045 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;**
- 2. Lot 2 will either need to have direct drive access east on to North 38<sup>th</sup> Street or a cross-access easement through Lot 1 to North 38<sup>th</sup> Street must be illustrated on the plat;**
- 3. When the mylars are submitted to Staff to be recorded, submit the following fees:**
  - a. \$32.00 per page payable to the Register of Deeds; and,**
  - b. \$7.00 per lot payable to the Unified Treasurer;**
- 4. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- 5. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;**
- 6. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten (10) feet wide. The required ten-foot width may be provided through five (5) foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;**
- 7. Utility easements shall connect with easements established in adjoining properties; and,**
- 8. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided.**

**Hearing starts at 4:19:55:**

**PLAN REVIEW APPLICATION PR2022-026 – DR. JESSICA DAIN WITH PIPER USD**

**#203 - SYNOPSIS:** Preliminary Plan Review to convert an elementary school into a high school with athletic fields at 13021 Leavenworth Road.

*Detailed Outline of Requested Action:* The applicant, Dr. Jessica Dain with Piper USD 203, wants to build a 149,000 square foot addition, athletic fields, and associated parking to convert Piper Creek Elementary School (grades 3-5) to Piper High School on 73.60 acres at 13021 Leavenworth Road.

The following items were included as part of the record for this case:

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and,
6. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

**Present in Support:**

- Duane Cash, representing the applicant, Incite Design Studio, 7200 West 75<sup>th</sup> Street, Overland Park, Kansas 66204
- Anthony Winkelmann, Incite Design Studio, 7200 West 75<sup>th</sup> Street, Overland Park, Kansas 66204
- John Nguyen, Piper USD 203
- Kristin Skinner, engineer, Priority Engineers, Inc.
- Scott Tanner, BHC Rhodes, 7101 College Boulevard, Overland Park, Kansas

**Present in Opposition:**

- Vearl Jones, 2930 North 131<sup>st</sup> Street, Kansas City, Kansas 66109

**Staff Recommendation starts at 4:33:50:** Planning Director Hand stated that this is a preliminary development plan and the final development plan will be reviewed next month. The property is in the Prairie-Delaware-Piper Master Plan. Staff has received no letter in support nor in opposition. There are no Notices of Violation on the property. He further stated that this is a phased project and Staff anticipates as the phases are development the sidewalk will extend the length of 131<sup>st</sup> Street for this parcel. The parcel goes around two (2) single-family homes. The Public Works Department has worked closely with Staff on the traffic and public improvements. Staff recommends approval subject to the conditions in the staff report.

NOTE: Commissioner Connelly left during this application.

**Motion starts at 4:36:05:**

On motion by Ms. Armstrong, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of PR2022-026:**

<b>Carson</b>	<b>Chairman</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Pauley</b>	<b>Not Present</b>
<b>Straws</b>	<b>Aye</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Aye</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Not Present</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Not Present</b>

Motion to recommend **APPROVAL** Passed: 7 to 0

**Subject to:**

- 1. A Final Development Plan is required to be submitted following this Preliminary Development Plan to conclude the entitlement process;**
- 2. Following the Final Development Plan entitlement process, a building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
- 3. Per the Sidewalk and Trails Master Plan, North 131<sup>st</sup> Street is designated as a Local Trail. The east side of the street shall have a ten (10) foot concrete trail with a two (2) foot median between the curb and the beginning of the trail terminating at the southern curb cut into the property. When the last athletic field is constructed, the trail shall continue south along North 131<sup>st</sup> Street to the school district's property line;**
- 4. Staff will continue to evaluate bike lanes on Leavenworth and 131<sup>st</sup> Street as part of the FDP entitlement process. Both Leavenworth Road and 131<sup>st</sup> Street are designated as arterials in the Prairie Delaware Piper Plan which states "All arterial and collector roads should have bike lanes. The bicycle plan will require incremental implementation. As development occurs, streets are rebuilt and other project funding opportunities (such as grant programs) arise, bicycle improvement projects should be integrated into project development;"**
- 5. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a**



grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;

6. The school expansion should match the existing school in terms of materials, fencing and landscaping;
7. All downspouts will be internalized;
8. Street tree requirement is one (1) tree per thirty (30) feet of right-of-way frontage, therefore 860 linear feet along 131<sup>st</sup> Street requires twenty-nine (29) trees. This requirement is in addition to trees required for the site area and within the parking lot;
2. All overstory and ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet in height when planted. All shrubs be five (5) gallons when planted;
3. Landscaping shall be irrigated;
4. Sec. 27-699(a)(6) Nonindustrial and non-structure parking lots that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one (1) shade tree for each twenty (20) parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements;
5. Sec. 27-699(b)(7) Where a parking lot serves other than single-family or two-family dwellings and is adjacent to or across an alley from property zoned for single-family or two-family use, such parking lot shall be provided with an architectural screen at least four (4) feet in height above the paving surface. Buffer plantings or landscape screening may be substituted if protection from headlines is not determined to be necessary. Where more stringent requirements exist, they shall apply;
6. The single-family homes that are on either between North 131<sup>st</sup> Street and the soccer fields shall be screened in addition to residences on the west side of North 131<sup>st</sup> Street;
7. All rooftop mechanical equipment shall be screened from public view by the new parapet of the building addition. The public view extends to the boundary of the property line and public right-of-way;
8. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building;
9. BPU transformer pad shall be completely screened on three (3) sides with opaque enclosure or 6-foot junipers setback three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the ten (10) foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
10. All lighting, whether mounted on the wall or installed in the parking lot shall have 90-degree cutoff fixtures. Light fixtures mounted on the wall shall be decorative, including those above egress doors.

Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one (1) footcandle as measured from said property line. This includes lighting installed around the athletic fields. Light shall not cast horizontally or vertically onto adjacent properties;

11. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same material as the primary

structure. The screen must be a minimum of six (6) feet in height on all sides, tall enough to screen the dumpster itself. When possible, the enclosure's gates shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;

12. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
13. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
15. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.

**Hearing starts at 4:37:40:**

**MPL2022-021 – UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS - SYNOPSIS:** Redevelopment Project Plan for 505 Central Redevelopment District (the "Project Plan") - Finding of Conformance to the Central Area Master Plan

Detailed Outline of Requested Action: The Kansas Tax Increment Financing Act, K.S.A. 12-1770 *et seq.*, as amended (the "TIF Act"), requires the City Planning Commission to find that the Project Plan is consistent with the intent of the Central Area Master Plan before the UG Board of Commissioners can consider adopting the Project Plan.

The Project Plan contemplates the redevelopment of the 505 Central Redevelopment District (the "District"), which consists of one redevelopment project area with contiguous boundaries, to become a first-class, market-rate apartment complex that will include an eight-story market-rate apartment building consisting of more than 120 units (including studio, one-bedroom and two-bedroom apartments), structured parking, street parking, site amenities and related infrastructure (collectively, the "Project").

Gunnar H. Hand, AICP, Director of Planning, stated that the 505 Central Redevelopment District Project Plan conforms to the Central Area Master Plan. Staff recommends that the Planning Commission find that the plan conforms to the Central Area Master Plan.

**Present in Support/Opposition:**

➤ No one appeared

**Motion starts at 4:39:10:**

On motion by Mr. Miller, seconded by Ms. Armstrong, the Planning Commission determined that the Redevelopment Project Plan for 505 Central Redevelopment District conforms to the UG's Central Area Master Plan:

<b>Carson</b>	<b>Chairman</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Pauley</b>	<b>Not Present</b>
<b>Straws</b>	<b>Aye</b>
<b>Ward</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Aye</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Not Present</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Not Present</b>

Motion Passed: 7 to 0

**MISCELLANEOUS Starts at 4:47:05:**

**Planning Commission Training** – Director Hand stated that Staff has worked with Chairman Carson to set up training for the Commission. Staff asked Vincent Gauthier, who has previously provided training for the Commission, to submit a proposal for the training. The training would take approximately two (2) hours. The Planning Commission selected November 21, 2022 at 6:00 p.m. as the time for the training.

**Planning Commission Meetings** – Chairman Carson led discussion with the members concerning the members meeting in-person/virtual. After lengthy discussion, the Commission concluded that the meetings would continue to be virtual/in-person and the Commission members can attend either in-person or virtual.

There being no further business, the meeting adjourned 11:20 p.m.